



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

DEC 17 1999

Mr. Fred Ore
Area Manager
Bureau of Reclamation
P.O. Box 1607
Grand Island, NE 68802-1607

re: Review of Draft Environmental Impact Statement for the Republican River Basin,
Long-Term Water Supply Contract Renewals

Dear Mr. Ore:

The Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled Republican River Basin - Long-Term Water Supply Contract Renewals, in Nebraska and Kansas. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA).

The Bureau of Reclamation proposes to renew long term water contracts for irrigation districts in the Republican River Basin. The DEIS explores a range of alternatives that involve changes to the operation and irrigation capacity of the water storage reservoirs. Based on our overall review, and considering the level of detail that prompted each of our detailed comments (enclosed), we have assigned the DEIS a rating of EC-2 (Environmental Concerns - Inadequate Information). A copy of EPA's rating system criteria is provided as an attachment to these comments.

EPA commends the Bureau of Reclamation for their extensive efforts in interagency coordination, seeking public participation, and for including a wide range of alternatives, to include those for which Bureau of Reclamation does not have direct authority to implement. We were perplexed by the "No-Action" alternative, and although the Council on Environmental Quality endorsed this "No-Action" alternative on the basis of Congressional mandate (in a similar California renewal), this project (depletions, species extirpation, pending water quality standards, competing water interests) illustrates the need for a contemporary examination of the Reclamation Act of 1956.

We appreciate working with your staff on this adaptive management effort, and appreciate their prompt follow-up on providing additional materials with which to assist

our review. Please send one copy of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have any questions, please contact Royce B. Kemp at (913)551-7551.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leo J. Alderman", with a long horizontal flourish extending to the right.

Leo J. Alderman, Director
Environmental Services Division

Enclosure(s) - 2

EPA's Detailed Comments on the Republican River Basin DEIS

1. The cover letter to the DEIS states that a "negotiated alternative" may be produced during contract negotiations. If such an alternative does become viable for selection, then the alternative should be disclosed to the public and all interested parties for comments *before* the issuance of the Final EIS.
2. Page II-8, Selenium Management Plan. This section states that a Selenium Management Plan (SMP) is a common element of all alternatives, including the No Action alternative. EPA has concerns that the SMP is not described in adequate detail in the DEIS and there appears to be no mechanism to implement such a plan. Further explanation is needed discussing how and when the SMP will be funded, how it will be implemented and monitored, and what mitigation measures can be expected to be implemented in an expeditious manner if problems are found. Therefore, EPA would like to see (in the FEIS) the steps that Reclamation is taking to ensure funding of an adaptive management plan, how it will be implemented and monitored, and who will be accountable for all aspects of the SMP.
3. Page II-10, Increased Irrigation Use of Harlan County Lake (Irrigation Alternative). This alternative lacks information needed for clear consideration. The Irrigation Alternative states that total irrigation storage of Harlan County Lake would be increased from 150,000 acre-feet to 194,000 acre-feet. This would mean a change in the shoreline environment by 5.4 feet, which has environmental effects that are not discussed directly. Also, the statement that the Corps, Reclamation, or Congressional action may be required does not disclose exactly what actions would be necessary by these entities to implement the alternative. Simply listing agencies and entities that would need to be a party to full implementation implies that this alternative will be too laborious and will therefore not get equal consideration. Although the consequences are summarized in this section, the drawbacks are not completely disclosed. Clarification of this alternative should be discussed in the FEIS.
4. Page II-11, Reservoir Multi-Use Plus Water Conservation (Multi-Use Alternative) (Reclamation's Preferred Alternative). This section recommends specified water conservation practices, but does not explain in enough detail what those water conservation practices are and how they will be implemented, monitored and enforced. Based on Basin wide concerns and objectives, water conservation measures should receive additional consideration in this and other alternatives. EPA would like to see more detailed water conservation measures described for this alternative in the FEIS.
5. Page II-12, Water Conservation and Modified Reservoir Management (Conservation Alternative). This alternative is unclear and should be discussed in greater detail. The Conservation Alternative states that water conservation and modified operations of Harlan County Lake would include irrigation use down to 1927.0 MSL elevation. This section does not explain the water conservation requirements the Irrigation Districts

would undertake and how they will ensure implementation. Also, the statement that Congressional action may be required if this alternative is selected implies that this alternative is too burdensome and therefore will not get the consideration it deserves. EPA supports increased water conservation, and because water conservation should be a basin-wide objective, clarification of this alternative should be discussed in the FEIS.

6. Page III-19, Endangered Species. This section states that the Biologic Assessment (BA) conducted by Reclamation concluded that the preferred alternative would not affect listed or endangered species. The BA appears to support this conclusion, but does not address how these valuable resources would be impacted by another alternative if selected. A section addressing this issue should be included in the FEIS.

7. Page IV-54, Cumulative Impacts. Page IV-54 states that there will be "no cumulative effects of past and present actions combined with the impacts of the various water supply contract renewal alternatives." EPA believes cumulative impacts will result from each of the alternatives the Reclamation proposes, including existing groundwater/surface water uses within the Basin unrelated to this project. Each alternative Reclamation proposes has a measurable impact to the natural environmental and resources as described in the DEIS (such as high selenium concentrations in aquatic species, reduced stream flows, and reduced wildlife habitat). Reclamation must consider these cumulative impacts along with existing and foreseeable future actions within the basin from other sources and discuss cumulative impacts and those resources affected more thoroughly in the FEIS.

8. Page IV-54, Irreversible and Irretrievable Commitment of Resources. This section states that no less than four (4) fish species in the Basin are considered to be rare and likely face "*extirpation and irretrievable commitment* . . ." under all alternatives. Further discussion is needed on how these valuable resources could be protected, and mitigation should be addressed if applicable, in the FEIS.

9. The environmentally preferable alternative does not appear to be addressed or identified in the DEIS. It is recommended that this alternative be included and discussed in the FEIS per NEPA guidance (40 Questions, #6b).

10. While the Preferred Alternative includes water conservation operations, the DEIS does not seem to contain a description of any enforcement and monitoring of water conservation plans, use of reclaimed water, and/or water metering in the contract area. The DEIS also does not discuss if the water contract provisions will strengthen and support water conservation and in particular, compliance. These issues should be discussed in the FEIS.

11. The DEIS does not identify a point in time when water resources will become significantly impacted by this contract renewal along with other cumulative actions within the Basin. Information presented within pages IV-50 and IV-51 indicates that the rate of water depletion is increasing. Given that the Bureau utilizes a "quantitative water supply evaluation computer analysis" (IV-50), EPA believes that disclosure of future

water availability is important to the public, and to the decision-maker for this contract renewal action. Information gained from hydrological modeling of future conditions, could also be used to add, modify or fine-tune alternatives.